

FILED '08 AUG 11 11:55 USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

CHRISTOPHER D. ZURCHER,	)	
	)	
Petitioner,	)	Civil Case No. 07-570-PK
	)	
vs.	)	ORDER
	)	
GUY HALL,	)	
	)	
Respondent.	)	
_____	)	

Todd H. Grover  
143 S. W. Shevlin-Hixon Drive, Suite 203  
Bend, Oregon 97702

Attorney for Petitioner

Hardy Myers  
Attorney General  
Jonathan W. Diehl  
Assistant Attorney General  
Department of Justice  
1162 Court Street NE  
Salem, Oregon 97301-4096

Attorneys for Respondent

KING, Judge:

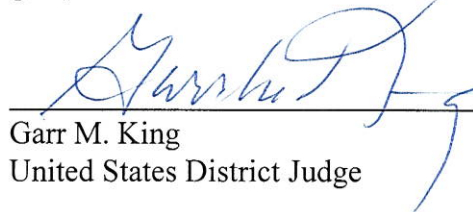
The Honorable Paul Papak, United States Magistrate Judge, filed Findings and Recommendation on July 1, 2008. The matter is before this court. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). The petitioner has filed objections and the government has filed a response.

When either party objects to any portion of a magistrate's Findings and Recommendation concerning a dispositive motion or prisoner petition, the district court must make a *de novo* determination of that portion of the magistrate's report. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

Having given a *de novo* review of the issues raised in the objections to the Findings and Recommendation, I note only one error that does not change the outcome. Petitioner was sentenced to 240 months of Attempted Aggravated Murder, not Aggravated Murder as indicated on page two of Judge Papak's Findings and Recommendation.

Accordingly, with the exception noted above, I ADOPT Judge Papak's Findings and Recommendation (#28). The Amended Petition for Writ of Habeas Corpus (#16) is DENIED. This action is dismissed with prejudice.

Dated this 11<sup>th</sup> day of August, 2008.

  
Garr M. King  
United States District Judge